

## **REMARKS**

Claims 22-93 are pending in the Application, and all have been rejected in the Office action mailed April 17, 2008. No claims are amended by this response. Claims 22, 32, 42, 50, 58, 68, 78, and 86 are independent claims, while claims 23-31, 33-41, 43-49, 51-57, 59-67, 69-77, 79-85, and 87-93 depend from claims 22, 32, 42, 50, 58, 68, 78, and 86, respectively. Applicants respectfully request reconsideration of claims 22-93, in light of the following remarks.

Claims 22, 23, 27, 31-33, 37, 41, 42, 45, 49, 50, 53, 57, 58, 61, 63, 67, 68, 71, 73, 77, 78, 81, 85, 86, 89, and 93 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy, III, et al. (US 5,734,981, hereinafter "Kennedy III") in view of Wortham (US 5,398,190). Claims 23, 33, 59, and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy III in view of Wortham, and further in view of Koyama (US 5,654,957). Claims 24, 25, 28, 29, 34, 35, 38, 39, 43, 46, 47, 51, 54, 55, 60, 64, 65, 70, 74, 75, 79, 82, 83, 87, 90, and 91 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy III in view of Wortham, and further in view of Henley et al. (US 5,526,353, hereinafter "Henley"). Claims 26, 36, 44, 52, 62, 72, 80, and 88 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Wortham, and further in view of Harland (US 4,706,242). Claims 30, 40, 48, 56, 66, 76, 84, and 92 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy III in view of Wortham and Henley, and further in view of Sharman (US 5,774,854). Applicants respectfully traverse the rejections.

Applicants note that all claim rejections are for reasons of obviousness. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should

be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142, and that the claims in the Application define allowable subject matter.

**I. The Proposed Combination Of Kennedy III And Wortham Does Not Render Claims 22, 23, 27, 31-33, 37, 41, 42, 45, 49, 50, 53, 57, 58, 61, 63, 67, 68, 71, 73, 77, 78, 81, 85, 86, 89, And 93 Unpatentable**

Claims 22, 23, 27, 31-33, 37, 41, 42, 45, 49, 50, 53, 57, 58, 61, 63, 67, 68, 71, 73, 77, 78, 81, 85, 86, 89, and 93 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy III, et al. in view of Wortham.

With regard to claim 22, the Office states that "...Kennedy, III et al teach a system supporting voice communication (18, FIG. 1) via a packet network (16, FIG. 1),..." (bold in original) See Office action at page 2. Applicants respectfully disagree. Applicants respectfully submit that element 16 of Fig. 1 of Kennedy is described as "...data communication network 16...." See Kennedy III at column 3, line 30. The Office fails to explain how and where Kennedy III teaches voice communication via "data communication network 16". Applicants have reviewed Kennedy III, and have been unable to find any teaching of voice communication via "data communication network 16". Indeed, Kennedy III teaches away from the communication of data and voice on a single network stating, at column 5, lines 21-39:

In one embodiment of the present invention, data communications network 16 operates separately and independently from mobile voice communications network 20. For example, call delivery system 10 can use a satellite-based data messaging system for communicating call delivery information to deliver a voice call using the cellular telephone network. Using one system for communicating data and another system for conducting voice

communications provides several advantages. One or a combination of data messaging technologies mentioned above provide inexpensive communications of call delivery information throughout the country. Call delivery information can be communicated to platform 18 using these technologies at a fraction of the cost of current roamer services provided by the cellular telephone network. Furthermore, the use of a separate network to manage call delivery information reduces or eliminates the complexity and expense of roamer registration and reporting features in mobile voice communications network 20.

(emphasis added)

Therefore, Applicants respectfully submit that Kennedy III does not teach or suggest voice communication via "data communication network 16", as alleged.

In addition, Applicants respectfully submit that the Office fails to show where the proposed combination of Kennedy III and Wortham teaches or suggests Applicants' feature "...at least one processor capable of receiving, via the packet network, a message requesting setup of a voice call, the message comprising a destination address;...", as recited by claim 22. Applicants respectfully note that the Office relies only upon Kennedy III in rejecting this aspect of Applicants' claim 22. Applicants respectfully submit that the Office cites element 140 of Fig. 3 and element 16 of Fig. 1, without explanation or interpretation of how these elements teach aspects of Applicants' claim 22, and without "...clear articulation of the reason(s) why the claimed invention would have been obvious...", recognized by M.P.E.P. §2142 as key to supporting any rejection under 35 U.S.C. 103.

The Office also cites Kennedy III at column 3, lines 40-52, which states:

In one embodiment, mobile unit 12 initiates the call delivery process by generating call delivery information and delivering this information over data link 22 of data communications network 16 to platform 18. Call delivery information represents any information that allows platform 18 to deliver calls to mobile unit 12. For example, call delivery information includes information relating to the communications service provider in mobile voice communications network 20 that currently services mobile unit 12. This information includes a system identification

number (SID), a mobile serving carrier I.D. (MSCID), a switch I.D. (SWID), or any other identifier of the communications service provider. Furthermore, call delivery information can be an access number for the communications service provider, such as a number for a roamer access port (RAP). Another form of call delivery information relating to the communications service provider is rural service area (RSA) information or information associated with automatic registration under the IS-41 standard, such as a temporary local dialing number (TLDN). This type of call delivery information relating to the communications service provider of mobile unit 12 may be used by platform 18 to either directly or indirectly deliver a call to mobile unit 12.

The cited portion of Kennedy III shown above simply teaches that a mobile unit initiates a call delivery process by generating call delivery information and delivering this information over data communications network 16 to platform 18, and explains that "...[c]all delivery information represents any information that allows platform 18 to deliver calls to mobile unit 12." (emphasis added) Kennedy III teaches, at column 3, lines 25-27, that "...[p]latform 18 delivers a call to mobile unit 12 over mobile voice communication network 20 using the call delivery information." Kennedy III further defines "call delivery information" as including "...information relating to the communications service provider in mobile voice communications network 20 that currently services mobile unit 12...", and offers examples, including "...a system identification number (SID), a mobile serving carrier I.D. (MSCID), a switch I.D. (SWID), or any other identifier of the communications service provider." Kennedy III also states that "...call delivery information can be an access number for the communications service provider, such as a number for a roamer access port (RAP). Another form of call delivery information relating to the communications service provider is rural service area (RSA) information or information associated with automatic registration under the IS-41 standard..." Kennedy III also states, at column 3, line 63 to column 4, line 4:

Call delivery information also includes positional information of mobile unit 12. Mobile unit 12 equipped with a positioning receiver may obtain position information from a satellite-based or land-based positioning system 24. Mobile

unit 12 receives position information over position information streams 26 from a plurality of satellites 28. The position information comprises accurate satellite location information and pseudorange data represented by the time of arrival of position information streams 26 to mobile unit 12.

(emphasis added)

Applicants respectfully submit that a mobile unit generating call delivery information relating to a communications service provider, or positional information of the mobile unit, and delivering this information over a data communications network to a platform that delivers a call to the mobile unit does not teach or suggest "...receiving, via the packet network, a message requesting setup of a voice call, the message comprising a destination address;...", as recited by Applicants' claim 22. The cited portion of Kennedy III makes no mention of requesting setup of a voice call, and merely describes delivery of information relating to a communication service provider, or positional information of a mobile unit. Therefore, Applicants respectfully submit that Kennedy III fails to teach or suggest "...at least one processor capable of receiving, via the packet network, a message requesting setup of a voice call, the message comprising a destination address;...", as recited by claim 22. In addition, since the Office cites only Kennedy III in this regard, and has failed to show where Wortham remedies this shortcoming of Kennedy III, Applicants respectfully submit that the Office has failed to show that the proposed combination of Kennedy III and Wortham teaches at least "...receiving, via the packet network, a message requesting setup of a voice call, the message comprising a destination address;...", as recited by Applicants' claim 22.

Applicants also respectfully submit that the Office has failed to show where the proposed combination of Kennedy III and Wortham teaches or suggests "...the at least one processor capable of sending, via a conventional telephone switching network link, signals based upon the destination address requesting setup of the voice call;..." Again, the Office simply cites elements 140 and 156 of Fig. 3, and fails to provide any reasoned explanation or interpretation of how and why these cited elements of Kennedy III teach or suggest any of the aspects of Applicants' claim 22, as required by M.P.E.P.

§2142. The Office also cites column 12, lines 30-34 of Kennedy III (underlined below), which recites:

In operation, data transceiver 160 receives a call delivery information report from mobile unit 12. Data transceiver 160 passes the report to processor 140 of platform 18 using link 158. Processor 140 validates the report using fraud management system 150 and logs the report for usage tracking system 152 and billing system 154. Processor 140 stores the call delivery information report time-stamped and indexed by mobile unit identification number in memory 142. Processor 140 can communicate the call delivery information report using link 156 to home switch 42, other switches 48, or other platforms 18 in a distributed platform system.

The cited portion of Kennedy III shown above teaches a “processor” receiving a “call delivery information report”. The “processor” then validates and logs the report, stores it, and may later communicate the report to “other switches” or “platforms”. The cited portion of Kennedy III does not, however, teach or suggest “...the at least one processor capable of sending, via a conventional telephone switching network link, signals based upon the destination address requesting setup of the voice call;...”, as recited by Applicants’ claim 22. For at least the reasons set forth above, the exchange of “call delivery information” (contained in “call delivery information reports”) does not teach or suggest Applicants’ claimed feature “a message requesting setup of a voice call”. Applicants respectfully submit that the Office has failed to explain how and why the cited portion of Kennedy III shown above teaches or suggests “...the at least one processor capable of sending, via a conventional telephone switching network link, signals based upon the destination address requesting setup of the voice call;...”, as recited by Applicants’ claim 22. Since the Office cites only Kennedy III in this regard, and has failed to show where Wortham remedies this shortcoming of Kennedy III, Applicants respectfully submit that the Office has failed to show that the proposed combination of Kennedy III and Wortham teaches at least “...the at least one processor capable of sending, via a conventional telephone switching network link, signals based

upon the destination address requesting setup of the voice call;...", as recited by Applicants' claim 22.

Applicants also respectfully submit that the Office has failed to show where the proposed combination of Kennedy III and Wortham teaches or suggests "...the at least one processor capable of receiving, via the conventional telephone switching network link, signals representing call status;...." The Office once again simply cites elements of Fig. 3 (i.e., 140 and 158), and fails to provide any explanation or interpretation of how and why these cited elements of Kennedy III teach or suggest any of the aspects of Applicants' claim 22. As recognized in M.P.E.P. §2142 (see above), the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

Further, Applicants respectfully submit that the Office previously identified Applicants' claimed feature "a conventional telephone switching network link" as being taught by element 156 of Fig. 3 of Kennedy III, which Kennedy III states "...can be a portion of nation-wide SS7 backbone that interconnects components of PSTN 38...." See *Id.* at column 11, lines 10-13. However, the Office now identifies the teaching of Kennedy III that corresponds to "the conventional telephone switching network link" as element 158 of Fig. 3, which Kennedy III states "...can be any appropriate dedicated or switched link that supports communication of data between platform 18 and data transceiver 160...." Applicants respectfully submit that this inconsistent interpretation of the cited teachings from Kennedy III is not in accordance with the language of Applicants' claim 22, and that the Office has failed to provide any explanation or interpretation in accordance with M.P.E.P. §2142 that makes clear how the cited portions of Kennedy III teach these aspects of Applicants' claim 22.

The Office also cites column 12, lines 35-38 of Kennedy III (underlined below), which recite:

Platform 18 receives a call for mobile unit 12 on link 170. A caller 36 establishes a connection with link 170 by placing a call, such as a 1+800 call, to platform 18 or by

placing a call to home switch 42 or other switches 48, which then direct the call to platform 18. Caller 36 enters a telephone number or other mobile unit identification number, which is decoded by modem/DTMF 174 or modem 178 and passed to processor 140. Processor 140 validates the mobile unit identification number and upon validation accesses the most recent call delivery information report stored in memory 142 indexed by the mobile unit identification number.

(emphasis added)

This cited portion of Kennedy III merely teaches that a caller wishing to contact a mobile unit first calls "platform 18", "home switch 42", or "other switches 48", which then direct the call to "platform 18". The caller then enters a telephone number or other identification number, that "processor 140" validates, and then accesses the most recent "call delivery information report" in memory. This portion of Kennedy III does not, however, make any mention of "call status" or "signals representing call status", nor does it teach or suggest "...the at least one processor capable of receiving, via the conventional telephone switching network link, signals representing call status...", as recited by Applicants' claim 22. Instead, it appears that Kennedy III teaches that "processor 140" receives "...a telephone number or other mobile unit identification number..." entered by a caller. Accordingly, Applicants respectfully submit that this cited portion of Kennedy III also does not teach or suggest "...the at least one processor capable of receiving, via the conventional telephone switching network link, signals representing call status;...", as recited by Applicants' claim 22. Applicants respectfully submit that the Office cited only Kennedy III as support for the rejection of these aspects of claim 22, and that the Office failed to show how Wortham remedies these demonstrated deficiencies of Kennedy III. Therefore, Applicants respectfully submit that the proposed combination of Kennedy III and Wortham fails to teach or suggest at least these aspects of Applicants' claim 22.

Applicants respectfully submit that the Office has also failed to show where the proposed combination of Kennedy III and Wortham teach or suggest, at least, "...the at least one processor capable of establishing communication of signals representative of voice between the packet network and the conventional telephone switching network



link, if call status indicating establishment of a connection is received;...", as recited by Applicants' claim 22. The Office merely cites elements 140 and 158 of Fig. 3, and element 16 of Fig. 1, as teaching aspects of Applicants' claim 22, but again offers no explanation or interpretation of how those elements of Kennedy III teach or suggest any aspects of Applicants' claim 22. Applicants respectfully submit that the Office has not shown where either Kennedy III or Wortham, or the combination of Kennedy II and Wortham, teaches "...establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link...." The Office appears to identify element 16 of Fig. 1 of Kennedy III as teaching Applicants' "packet network", and element 158 of Fig. 3 of Kennedy III as teaching Applicants' "...the conventional telephone switching network link...", recited by claim 22. As previously discussed, however, the Office has not explained how and where Kennedy teaches voice communication via "data communication network 16". Applicants have reviewed Kennedy III, and have been unable to find any teaching of voice communication via "data communication network 16". Indeed, Applicants again point out that Kennedy III teaches away from the communication of data and voice on a single network stating, at column 5, lines 21-39:

In one embodiment of the present invention, data communications network 16 operates separately and independently from mobile voice communications network 20. For example, call delivery system 10 can use a satellite-based data messaging system for communicating call delivery information to deliver a voice call using the cellular telephone network. Using one system for communicating data and another system for conducting voice communications provides several advantages. One or a combination of data messaging technologies mentioned above provide inexpensive communications of call delivery information throughout the country. Call delivery information can be communicated to platform 18 using these technologies at a fraction of the cost of current roamer services provided by the cellular telephone network. Furthermore, the use of a separate network to manage call delivery information reduces or eliminates the complexity and expense of roamer registration and reporting features in mobile voice communications network 20.

(emphasis added)

Therefore, Applicants again respectfully submit that Kennedy III does not teach or suggest voice communication using “data communication network 16”, as alleged by the Office, and that elements 140 and 158 of Fig. 3, and element 16 of Fig. 1 do not teach or suggest “...the at least one processor capable of establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...”, as recited by Applicants’ claim 22.

The Office also cites Kennedy III at column 6, lines 59-61 and column 11, lines 37-40 as teaching Applicants’ claim 22. Applicants first address Kennedy III at column 6, lines 59-61, shown underlined, below:

After receiving a call for mobile unit 12 from caller 36, platform 18 retrieves the most recent call delivery information received from mobile unit 12. Depending on the type of call delivery information, platform 18 either immediately establishes voice communications with mobile unit 12 or performs a further database look-up or other processing to determine the communications service provider of mobile unit 12 and the proper procedure for establishing voice communications. If the call delivery information is a position of mobile unit 12 or vehicle 14, platform 18 relates the position to a communications service provider. Platform 18 maintains a list of MSCIDs, SIDs, SWIDs, NPAs, RAPs, and other communications service provider identifiers, correlated with geographical service area, to determine the proper access number and calling procedure to establish a communications link with mobile unit 12.

(emphasis added)

The cited portion of Kennedy III shown above teaches that after receiving a call for a mobile unit, “platform 18” retrieves the most recent “call delivery information” received from the mobile unit, and uses that “call delivery information” to establish voice communication with the mobile unit, or determines the communications service provider of the mobile unit, using lists of “MSCIDs”, “SIDs”, “SWIDs”, “NPAs”, “RAPs” and other

"communication service provider identifiers" maintained by "platform 18". The portion of Kennedy III shown above does not, however, teach or suggest "...the at least one processor capable of establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...", as recited by Applicants' claim 22. For example, as previously discussed, Kennedy III fails to teach or suggest "...establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link...." Further, the cited portion of Kennedy III at column 6, lines 59-61 makes no mention of "...call status indicating establishment of a connection...", let alone of "...the at least one processor capable of establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...", as recited by Applicants' claim 22.

Applicants now turn to Kennedy III at column 11, lines 37-40, which is shown (underlined), below:

Data transceiver 160 is similar in construction and operation to data transceiver 100 in mobile unit 12. Data transceiver 160 includes antenna 162, transceiver 164, controller 166, and memory 168. In operation, data transceiver 160 receives data messages from and transmits data messages to mobile unit 12 using data communications network 16. In a typical configuration, data transceiver 160 receives call delivery information reports from many mobile units 12 and requires a higher capacity design than data transceiver 100 in mobile unit 12. Antenna 162 receives an incoming call delivery information report from mobile unit 12 and passes the report to transceiver 164. Controller 166 receives the report from transceiver 164 and passes the report to processor 140 over link 158. Controller 166 accesses operational software and other data stored in memory 168 to control the operation of data transceiver 160. Data transceiver 160 also receives call back messages from platform 18 using link 158, and transmits call back messages to mobile unit 12 using data communications network 16. The call back message transmitted by data transceiver 160 can be broadcast without the need for location information of

mobile unit 12, or data transceiver 160 can use location information of mobile unit 12 stored at platform 18 to communicate the call back message.

(emphasis added)

The cited portion of Kennedy III shown above simply describes the elements of a "data transceiver", teaches that the data transceiver receives and transmits data messages from/to a mobile unit using a data communications network, and teaches that the data transceiver receives call delivery information reports from many mobile units. It also explains that the data transceiver receives "call back messages" from "platform 18" using a "link 158", and transmits "call back messages" to a mobile unit using "data communications network 16". The portion of Kennedy III shown above does not even mention "...signals representative of voice...", "...establishing communication of signals representative of voice...", "...call status...", or receipt of "...call status...", in accordance with Applicants' claim 22, and therefore does not teach or suggest "...the at least one processor capable of establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is received;...", as recited by Applicants' claim 22.

Applicants respectfully note that the Office cited only Kennedy III as support for the rejection of these aspects of claim 22, and that the Office has failed to identify any teachings of Wortham that remedy these demonstrated shortcomings of Kennedy III. Therefore, Applicants respectfully submit that the proposed combination of Kennedy III and Wortham fails to teach or suggest at least these aspects of Applicants' claim 22.

Finally, Applicants appreciate recognition by the Office that Kennedy III "...fail to explicitly teach the at least one processor capable of refraining from establishing communication of signals representative of voice between the packet network and the conventional telephone switching network link, if call status indicating establishment of a connection is not received." See Office action at page 3. The Office, however, then turns to Wortham, and states that Wortham teaches "...where the processor is capable of disconnecting calls when the determination is made that the call has not resulted in a

connection with the modem (column 6, lines 21-27)." (underline added, bold in original)

See Office action at pages 3-4. Applicants now address the alleged teachings of Wortham at column 6, lines 21-27, shown underlined, below:

After the number has been dialed, the microprocessor 40 determines whether the call has been completed to the smart modem 92 (at 134) connected to the host controller 90 at the terminal or home office. If a determination is made that the call has not resulted in a connection with the smart modem 92, the microprocessor 40 instructs the mobile cellular unit to hang up (at 136). If, however, the call has gone through, the microprocessor 40 receives instructions from the host controller 90 to transfer predetermined information to the host controller. In accordance with said instructions, the microprocessor 40 transmits (at 138) the particular vehicle identification number, the location information obtained from the overhead message stream through interrogation of the mobile cellular unit, and telemetric data regarding such information as vehicle system status, driver hours, and any other information stored in the memory associated with the mobile cellular transceiver 58.

The portion of Wortham shown above simply teaches that after a number has been dialed by a "mobile cellular unit" of an "in vehicle portion of a locating system", a microprocessor in the "in vehicle portion" determines whether a call has been completed to a modem connected to a host controller at a terminal or home office. If a determination is made that the call has not resulted in a connection with the modem, the microprocessor "...instructs the mobile cellular unit to hang up." Applicants respectfully submit that Wortham involves the establishment of two connections. Establishment of the first connection, which follows the dialing of the number, is between the "mobile cellular transceiver 58" of Fig. 2 in "vehicle 24" of Fig. 1, and the "host controller 10" of Fig. 1 of Wortham, via the "cell transmitter 22" and "mobile telephone switching office 18" of a cellular network. See Wortham at column 2, lines 48-64. The second connection, which may be established after the first connection is in place, is that between "smart modem 72" of the "in vehicle portion of the locating system", and "smart modem 92" at "host controller 10" of Wortham. Once the first connection is established, the second connection (the exchange of modem signals between "smart modem 72"

and "smart modem 92") may be established. Applicants respectfully submit that the cited portion of Wortham does not, however, teach or suggest "...establishing communication of signals representative of voice...", or of "...refraining from establishing communication of signals representative of voice...," in accordance with Applicants' claim 22. Instead, Wortham teaches the communication of modem signals, of determining whether a second connection communicating modem signals between two modems has been established, and of hanging up a call (the first connection) between the "smart modem 72" linked to the "mobile cellular transceiver" of the "in vehicle portion of the locating system", and the "smart modem 92" at "host computer 10", if the connection between the two modems (communication of modem signals) is not established. Applicants respectfully submit that Wortham fails to teach or suggest anything with respect to "...establishing communication of signals representative of voice...", with respect to receiving "...call status indicating establishment of a connection [establishing communication of signals representative of voice]...", and certainly does not teach or suggest "...refraining from establishing communication of signals representative of voice...", in accordance with Applicants' claim 22. Because the Office has admitted that Kennedy III does not teach or suggest these aspects of Applicants' claim 22, and as demonstrated above, Wortham also fails to teach or suggest these aspects of Applicants' claim 22, then by definition, the proposed combination of Kennedy III and Wortham cannot teach or suggest these features of Applicants' claim 22.

Based at least upon the above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142, and that claim 22 is allowable over the proposed combination of Kennedy III and Wortham. Applicants respectfully submit that claims 23-31 depend from allowable claim 22, and are also allowable over the proposed combination of Kennedy III and Wortham, for at least the reasons set forth above. Accordingly, Applicants respectfully request that the rejection of claims 22, 23, 27, 31 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to independent claims 32, 42, 50, 58, 68, 78, and 86, Applicants respectfully submit that claims 32, 42, 50, 58, 68, 78, and 86 are allowable for many, if not all, of the reasons set forth above with respect to independent claim 22, and that claims 33-41, 43-49, 51-57, 59-67, 69-77, 79-85, and 87-93, which depend, respectively, from independent claims 32, 42, 50, 58, 68, 78, and 86, are also allowable over the proposed combination of Kennedy III and Wortham, for at least those same reasons. Accordingly, Applicants respectfully request that the rejections of claims 32, 33, 37, 41, 42, 45, 49, 50, 53, 57, 58, 61, 63, 67, 68, 71, 73, 77, 78, 81, 85, 86, 89, and 93 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**II. The Proposed Combinations Of Kennedy, Wortham, Koyama, Henley, Harland, And Sharman Do Not Render Claims 23-26, 28-30, 33-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 59, 60, 62, 64-66, 69, 70, 72, 74-76, 79, 80, 82-84, 87, 88, And 90-92 Unpatentable**

Claims 23-26, 28-30, 33-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 59, 60, 62, 64-66, 69, 70, 72, 74-76, 79, 80, 82-84, 87, 88, and 90-92 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy III and Wortham, in various combinations with Koyama, Henley, Harland, Sharman. Applicants respectfully submit that independent claims 22, 32, 42, 50, 58, 68, 78, and 86 are allowable over the proposed combinations of Kennedy III, Wortham, Koyama, Henley, Harland, and Sharman, in that the Office has failed to show where Koyama, Henley, Harland, and Sharman, alone or in combination, remedy the deficiencies of Kennedy III and Wortham set forth above. Because independent claims 22, 32, 42, 50, 58, 68, 78, and 86 are allowable over the proposed combinations of references, Applicants respectfully submit that dependent claims 23-26, 28-30, 33-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 59, 60, 62, 64-66, 69, 70, 72, 74-76, 79, 80, 82-84, 87, 88, and 90-92 are allowable as well, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 23-26, 28-30, 33-36, 38-40, 43, 44, 46-48, 51, 52, 54-56, 59, 60, 62, 64-66, 69, 70, 72, 74-76, 79, 80, 82-84, 87, 88, and 90-92 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-93 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000. If the Examiner maintains his rejections, the Applicants hereby respectfully request an interview with the Examiner.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Dated: August 18, 2008

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